

Heartland
Wireless Communications, Inc.

Carroll D. McHenry
Chairman & CEO

June 30, 1998

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: MM Docket No. 97-217 and RM-9060

Dear Ms. Salas:

I am writing today to express the strong support of Heartland Wireless Communications, Inc. for the proposals advanced by the Petitioners in their various comments and ex parte communications in this proceeding.

Heartland develops, owns and operates wireless cable systems in small to mid-sized markets in the central portion of the country. We currently are operating analog wireless cable systems in 57 markets, serving approximately 175,000 subscribers. However, the nature of the marketplace in which Heartland competes is changing, as consumers are beginning to demand access to broadband services. Just this week we launched our first high-speed Internet access service in Sherman, Texas, and plan to roll out additional markets in the coming months. As a result, Heartland is supportive of proposed rules that will permit MDS and ITFS two-way systems to be deployed rapidly and with a minimum of regulatory delay.

The rules proposed by the Petitioners will allow just that. Although the Catholic Television Network ("CTN") would have the Commission believe that substantial adjacent channel interference could be introduced under those rules, the proposed rules are highly protective:

- Prior to securing a license, the applicant must demonstrate it will maintain its return path signal within acceptable limits at the boundary of its service area.

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- The applicant must also demonstrate that it meets the time-tested 0 dB D/U adjacent channel interference protection rule.
- Each applicant will be required to utilize a conservative, FCC-approved methodology that makes "worst-case" like assumptions in demonstrating compliance with the 0 dB standard.
- The applications, including the supporting interference studies, will have to be filed with the Commission and served on potentially-affected neighboring licensees.
- The staff will review all applications to assure that interference studies or consents in lieu of interference studies have been submitted for all potentially-affected neighbors, and only then will the staff issue a public notice accepting the application for filing.
- A 60-day public notice period will be afforded for the submission of petitions to deny prior to the automatic grant of the application.
- As an ultimate "safety net," the licensee of any response station that causes unpredicted interference will have to cure that interference or cease operating.

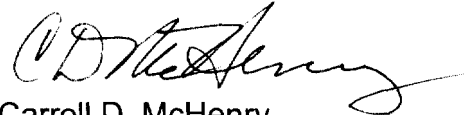
Adoption of this approach will avoid the processing delays that have plagued wireless cable operators in the past, both by eliminating the need for detailed staff engineering review of non-controversial applications and by freeing the staff to concentrate on contested matters. Yet, it assures the ITFS community, as well as the wireless cable operators that will be expending hundreds of millions of dollars on two-way facilities, that they can operate free from interference.

Heartland cannot stress enough the importance of allowing rapid deployment of two-way MDS and ITFS services, without delays for application processing and convoluted testing along the lines proposed by CTN. Many of our potential subscribers will have the option of securing broadband services from more than one vendor. Licensees in other services, like DEMS, LMDS, and 38 GHz, have the benefit of a regulatory structure that allows them to rapidly deploy new facilities. If Heartland is unable to respond with similar speed due to application processing delays or the imposition of unnecessary testing requirements that must be satisfied site by site, Heartland will be unable to effectively compete in the marketplace.

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Therefore, Heartland urges the Commission to adopt the proposals advanced by the Petitioners and reject the unduly burdensome rules being advocated by CTN.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "CD McHenry", written in a cursive style.

Carroll D. McHenry
Chairman of the Board, President
and CEO

cc: Chairman William E. Kennard
Commissioner. Susan Ness
Commissioner Harold Furchtgott-Roth
Commissioner Michael K. Powell
Commissioner Gloria Tristani
Susan Fox
Anita Wallgren
Helgi Walker
Jane Mago
Rick Chessen
Roy Stewart
Keith Larson
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